UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,956	03/21/2000	Bryan M. Eagle III	11459/1	6873

23838   7590   05/15/2003

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EXAMINER
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ART UNIT	PAPER NUMBER
3626	

DATE MAILED: 05/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _22 April 2003_ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-119_ is/are pending in the application.

4a) Of the above claim(s) _1-88_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _89-119_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____ .

DETAILED ACTION

Election/Restrictions

1.   Applicant's election of Group III, claims 89-119 in Paper No. 6 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the

restriction requirement, the election has been treated as an election without traverse (MPEP

§ 818.03(a)).

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

3.   Claims 89, 97, 98, 99 and 114 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

(1) whether the invention is within the technological arts; and

(2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the

technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural

phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the

"progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences,

for example) and therefore are found to be non-statutory subject matter. For a process claim to

pass muster, the recited process must somehow apply, involve, use, or advance the technological

arts.

In the present case, claims 89, 97, 98, 99 and 114 only recite an abstract idea. The recited steps of merely filling one or more available passenger accommodations comprising communicating an availability of the charter transport to an accommodation reservation service and receiving and submitting bids regarding a passenger list and departure schedule from the accommodation reservation service does not apply, involve, use, or advance the technological arts since all of the recited steps can be performed in the mind of the user or by use of a pencil and paper.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed invention is a method for scheduling travel on one or more charter transports having an available passenger accommodation.

Although the recited process produces a useful, concrete, and tangible result, since the claimed invention, as a whole, is not within the technological arts as explained above, claims 89, 97, 98, 99 and 114 are deemed to be directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 89-90 and 97-119 are rejected under 35 U.S.C. 103(a) as being unpatentable over "BostonCoach and Skyjet.com Announce 'Home to Jet' Transportation Services" by Business Wire (hereinafter "Business Wire") in view of U.S. Patent No. 6,085,169 to Walker et al.

As per claim 89, Business Wire teaches BostonCoach the leading global provider of

ground transportation and Skyjet.com the national online provider of air charter reservation

joined force to give business travelers a streamline "home to jet" transportation service (see:

paragraph 1). Skyjet.com is the first nationwide service offering air charter reservations that

allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for filling one or more available

passenger accommodations comprising:

--the claimed communicating an availability of the charter transport to an accommodation

reservation service; and

--the claimed receiving a passenger list and departure schedule from the accommodation

reservation service.

Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig.

1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see:

column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by

a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined

price. Customer-defined conditions include itinerary parameters, such as the origin and

destination cities; acceptable dates and times of departure and return; and whether connecting

flights or stopovers are acceptable to the customer. In addition, the parameters of a CPO may

allow a customer to specify one or more preferred airline(s), flights, seat assignments, seat class,

aircraft type, refund/change rules, or maximum layover time (reads on "receiving a passenger list

and departure schedule from the accommodation reservation service") (see: column 5, lines 31-

43). Walker et al. further teaches CPO rule which are a set of restrictions defined by a given

seller, such as an airline, to define a combination of restrictions for which the seller is willing to

accept at a predefined minimum price (see: column 44-47). For example, a CPO rule for a given

airline can specify that the airline will accept any CPO for travel between Newark, N.J. (EWR)

and Orlando, Fla. (MCO) during the month of October, 1997, provided that (i) the customer

travels between Tuesday and Thursday, (ii) the tickets are booked within 21 days of departure,

(iii) the price is at least $165 per ticket, (iv) K-class inventory is available on all flight segments

of the customer's itinerary, and (v) there are at least two (2) passengers traveling together (see:

column 5, line 64 to column 6, line 5). In addition, Walker et al. teaches a flight schedule

database (800, Fig. 6) that stores specific flight information for each origin and destination (O &

D) Pair (reads on "communicating an availability of the transport to an accommodation

reservation service") (see: column 9, lines 60-61).

Therefore, it would have been obvious to a person of skill in the art at the time the

invention was made to include the conditional purchase offer management system as taught by

Walker et al. within the BostonCoach and Skyjet.com system as taught by Business Wire with

the motivation of providing a buyer-driven system that permits an airline to sell ticket to leisure

travelers at a set price (see: Walker et al.: column 2, lines 24-27).

As per claim 90, Walker et al. teaches the claimed communicating run periods associated

with the charter transport. This limitation is met by the flight schedule database (800, Fig. 6) that

stores specific flight information for each origin and destination (O & D) Pair (see: column 9,

lines 60).

As per claim 97, Business Wire teaches that Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for filling an available passenger accommodations on a charter transport, comprising:

--the claimed submitting a bid to fulfill a passenger accommodation request; and

--the claimed receiving notification that the bid was successful.

Walker et al. teaches a CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is either accepted, rejected or countered by the airline (reads on "submitting a bid to fulfill a passenger accommodation request"). Thereafter, the customer is notified of the response of the airlines to the CPO (reads on "receiving notification that the bid was successful"). If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

The motivation to combine the teachings of Walker et al. within Business Wire are discussed above in the rejection of claim 89, and incorporated herein.

As per claim 98, Business Wire teaches that Skyjet.com is the first nationwide service offering air charter reservations that allow business travelers to price and book charter jets online and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for filling an available passenger accommodation on a charter transport, comprising:

--the claimed communicating an availability of the charter transport;

--the claimed receiving bids for the available passenger accommodation; and

--the claimed selecting a bid for the available passenger accommodation.

Walker et al. teaches a CPO management process (1600, Fig. 16a) where a received CPO

from a customer (reads on "receiving bids for the available passenger accommodation") is

compared against the CPO rules provided by the airline and as a result of the comparison the

CPO is either accepted, rejected or countered by the airline. Thereafter, the customer is notified

of the response of the airlines to the CPO. If an airline accepts the CPO, or if the customer

accepts (reads on "selecting a bid for the available passenger accommodation") a counteroffer

from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see:

column 7, lines 55-67). Furthermore, Walker et al. teaches a flight schedule database (800, Fig.

6) that stores specific flight information for each origin and destination (O & D) Pair (reads on

"communicating an availability of the transport to an accommodation reservation service") (see:

column 9, lines 60-61).

The motivation to combine the teachings of Walker et al. within Business Wire are

discussed above in the rejection of claim 89, and incorporated herein.

As per claim 99, Business Wire teaches that Skyjet.com is the first nationwide service

offering air charter reservations that allow business travelers to price and book charter jets online

and in real time (see: paragraph 6).

Business Wire fails to explicitly teach a method for obtaining a passenger

accommodation reservation on a charter transport, comprising:

--the claimed submitting a passenger accommodation reservation request having an origin, destination, and departure period; and

--the claimed receiving a passenger accommodation reservation and a departure schedule.

Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions include itinerary parameters, such as the origin and destination cities; acceptable dates and times of departure and return; and whether connecting flights or stopovers are acceptable to the customer.

The motivation to combine the teachings of Walker et al. within Business Wire are discussed above in the rejection of claim 89, and incorporated herein.

As per claims 100-101, Walker et al. teaches the claimed receiving notification of a charter transport run corresponding to the passenger accommodation reservation request. This feature is met by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by the airline and as a result of the comparison the CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified of the response of the airlines to the CPO (reads on "receiving notification of a charter transport run corresponding to the passenger accommodation reservation request"). If an airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

As per claims 102-103, Walker et al. teaches the claimed receiving a bid to provide a

passenger accommodation, the bid related to the passenger accommodation reservation request.

This limitation is met by the CPO management process (1600, Fig. 16a) where a received CPO

from a customer is compared against the CPO rules provided by the airline and as a result of the

comparison the CPO is accepted, rejected or countered by the airline (see: column 7, lines 55-

67).

As per claim 104, Walker et al. teaches the claimed receiving a plurality of bids to

provide a passenger accommodation, the plurality of bids related to the passenger

accommodation reservation request. This feature is met by the CPO management process (1600,

Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by

the airlines and as a result of the comparison the CPO is accepted, rejected or countered by the

airline (see: column 7, lines 55-67).

As per claims 105-106, Walker et al. teaches the claimed selecting and accepting a bid to

provide a passenger accommodation. This feature is met by the CPO management process (1600,

Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by

the airline and as a result of the comparison the CPO is accepted, rejected or countered by the

airline. Thereafter, the customer is notified of the response of the airlines to the CPO. If an

airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then

booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

As per claim 107, Walker et al. teaches the claimed receiving a passenger

accommodation reservation offer associated with a charter transport run. This feature is met by

the conditional purchase offer (CPO) management system (100, Fig. 1) for receiving conditional

purchase offers from one or more customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is

a binding offer containing one or more conditions submitted by a customer (110, Fig. 1) for the

purchase of an item, such as air travel, at a customer-defined price. Customer-defined conditions

include itinerary parameters, such as the origin and destination cities; acceptable dates and times

of departure and return; and whether connecting flights or stopovers are acceptable to the

customer (see: column 5, lines 31-43).

As per claim 108, Walker et al. teaches the claimed receiving a passenger

accommodation reservation offer associated with a charter transport run related to the passenger

accommodation reservation request. This feature is met by the conditional purchase offer (CPO)

management system (100, Fig. 1) for receiving conditional purchase offers from one or more

customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or

more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air

travel, at a customer-defined price. Customer-defined conditions include itinerary parameters,

such as the origin and destination cities; acceptable dates and times of departure and return; and

whether connecting flights or stopovers are acceptable to the customer (see: column 5, lines 31-

43).

As per claim 109, Walker et al. teaches the claimed accepting a passenger

accommodation reservation offer associated with a charter transport run. This limitation is met

by the CPO management process (1600, Fig. 16a) where a received CPO from a customer is

compared against the CPO rules provided by the airline and as a result of the comparison the

CPO is accepted, rejected or countered by the airline. Thereafter, the customer is notified of the

response of the airlines to the CPO. If an airline accepts the CPO, or if the customer accepts a

counteroffer from the airline, a ticket is then booked by the CPO management system (100, Fig.

1) (see: column 7, lines 55-67).

As per claim 110, Walker et al. teaches the claimed accepting a passenger

accommodation reservation offer for a charter transport run related to the passenger

accommodation reservation request. This feature is met by the CPO management process (1600,

Fig. 16a) where a received CPO from a customer is compared against the CPO rules provided by

the airline and as a result of the comparison the CPO is accepted, rejected or countered by the

airline. Thereafter, the customer is notified of the response of the airlines to the CPO. If an

airline accepts the CPO, or if the customer accepts a counteroffer from the airline, a ticket is then

booked by the CPO management system (100, Fig. 1) (see: column 7, lines 55-67).

As per claim 111, Walker et al. teaches the claimed providing payment for the passenger

accommodation reservation. This limitation is met by the CPO management process (1600, Fig.

16C) where credit card information associated with a given customer is transmitted to the credit

card issuer for payment (see: column 9, lines 23-38).

As per claims 112-113, Business Wire teaches the claimed arriving and boarding at a

charter transport boarding facility. This feature is met by BostonCoach ground transportation,

where each air charter reservation allows the customer to be delivered from their office or home

to the jet and back again once their flight returns (see: paragraph 2).

As per claim 114, Business Wire teaches that Skyjet.com is the first nationwide service

offering air charter reservations that allow business travelers to price and book charter jets online

and in real time (see: paragraph 6).

Business Wire fails to explicitly teach method for obtaining a passenger accommodation

reservation on a charter transport, comprising:

--the claimed reviewing available charter transports; and

--the claimed submitting a bid for a passenger accommodation on a charter transport run.

Walker et al. teaches a conditional purchase offer (CPO) management system (100, Fig.

1) for receiving conditional purchase offers from one or more customers (110, Fig. 1) (see:

column 5, lines 20-26). A CPO is a binding offer containing one or more conditions submitted by

a customer (110, Fig. 1) for the purchase of an item, such as air travel, at a customer-defined

price. Customer-defined conditions include itinerary parameters, such as the origin and

destination cities; acceptable dates and times of departure and return; and whether connecting

flights or stopovers are acceptable to the customer. Furthermore, during step 1616, appropriate

legal language including a submitted CPO is displayed or read to the customer and the CPO

management system will wait for an acknowledgment from the customer to form a binding

conditional purchase offer (CPO) (see: column 19, lines 7-29).

The motivation to combine the teachings of Walker et al. within Business Wire are

discussed above in the rejection of claim 89, and incorporated herein.

As per claims 115-119, Walker et al. teaches a conditional purchase offer (CPO)

management system (100, Fig. 1) for receiving conditional purchase offers from one or more

customers (110, Fig. 1) (see: column 5, lines 20-26). A CPO is a binding offer containing one or

more conditions submitted by a customer (110, Fig. 1) for the purchase of an item, such as air

travel, at a customer-defined price. Customer-defined conditions include itinerary parameters,

such as the origin and destination cities; acceptable dates and times of departure and return; and

whether connecting flights or stopovers are acceptable to the customer (reads on "identifying at

least one origin destination-pair and a corresponding time period"). In addition, the parameters of

a CPO may allow a customer to specify one or more preferred airline(s), flights, seat

assignments, seat class, aircraft type, refund/change rules, or maximum layover time (see:

column 5, lines 31-43). Walker et al. further teaches a flight schedule database (800, Fig. 6) that

stores specific flight information for each origin and destination (O & D) Pair (reads on

"receiving a departure schedule") (see: column 9, lines 60-61). In addition, Walker et al. teaches

a CPO management process (1600, Fig. 16a) where a received CPO from a customer (reads on

"receiving a passenger accommodation reservation") is compared against the CPO rules

provided by the airline and as a result of the comparison the CPO is accepted, rejected or

countered by the airline. Thereafter, the customer is notified (reads on "receiving notification of

a successful bid") of the response of the airlines to the CPO. If an airline accepts the CPO, or if

the customer accepts a counteroffer from the airline, a ticket is then booked by the CPO

management system (100, Fig. 1) (see: column 7, lines 55-67).

6.   Claims 91-96 are rejected under 35 U.S.C. 103(a) as being unpatentable over

"BostonCoach and Skyjet.com Announce 'Home to Jet' Transportation Services" by Business

Wire (hereinafter "Business Wire") and U.S. Patent No. 6,085,169 to Walker et al. in view of

U.S. Patent No. 5,778,381 to Sandifer.

        As per claims 91-96, Business Wire and Walker et al. teach that BostonCoach the leading

global provider of ground transportation and Skyjet.com the national online provider of air

charter reservation have joined to give business travelers a streamline "home to jet"

transportation service (see: Business Wire: paragraph 1).

Business Wire and Walker et al. fail to teach receiving inspection communications
related to maintenance and service in the form of reminders, requests and orders.

Sandifer teaches a maintenance and repair information system (10, Fig. 1) that has a
Aircraft Specific Mode allowing aircraft operators such as pilots and the mechanics responsible
for keeping aircraft airworthy to perform troubleshooting and compliance record keeping (see:
column 5, lines 44-61).

Therefore, it would have been obvious to a person of skill in the art at the time the
invention was made to include the maintenance and repair information system that receives
inspection communications related to maintenance and service in the form of reminders, requests
and orders as taught by Sandifer with the system taught by Business Wire and Walker et al. with
the motivation of providing a system to facilitate access to, and update of, maintenance and
repair information by the aviation industry (see: Sandifer: column 1, lines 42-44).

Conclusion

7.   The prior art made of record and not relied upon is considered pertinent to applicant's
disclosure.

In related art ("Booking Private Jets Online: Skyjet.com Air Charter Reservation Service
Creates On-Demand Airlines") PR Newswire discloses that Skyjet.com has announced the
nation's first and only real-time online reservation service for booking charter business jets via
the Internet.

In related art (EP 1074931A2) McCown teaches a computer implemented method and
apparatus for identifying suitable charter aircraft for an itinerary.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is (703) 605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

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May 9, 2003
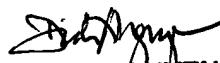
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